



Request For Variance

State Form 51184 (12/02)

Food Protection Program

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OCT 09 2009

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

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FOOD PROTECTION PROGRAM
INDIANA STATE DEPT. OF HEALTH

1. Individual Submitting Request:

Date: 10 / 06 / 2009

Name: Danae Hochstedler Telephone: (574) 534-2828 Fax: ()
Mailing Address: 204 South Main Street Email: thenutshoppe@bnin.net
Number & Street
Goshen IN 46528
P.O. Box City State Zip Code

2. Person/Organization Seeking Variance:

Name: The Nut Shoppe, Inc. Email: thenutshoppe@bnin.net
Mailing Address: 204 South Main Street
Number & Street
Goshen IN 46528
P.O. Box City State Zip Code

3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (if different than mailing address):
- Mailing Address: 204 South Main Street
(Number, Street, City, State, & Zip Code)
- Telephone Number: (574) 534-2828 Fax Number: ()
- Person at each retail food establishment most responsible for supervising: Danae Hochstedler

4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach additional pages if necessary)

We propose the following variation from rule 410 IAC 7-24-171 section 171b, to allow the two Chocolatiers at The Nut Shoppe to prepare non-potentially hazardous chocolate and candy with hands washed with GoJo E2 one-step hand washing and sanitizing soap for the food processing industry. Hand washing is defined as the following: washing hands with GoJo hand sanitizing soap for 20 seconds in at least 100 degree water, vigorously scrubbing hands and arms for 10 -15 seconds, cleaning between fingers, under fingernails that are no longer than 1/4 inch, rinse thoroughly under running water, dry hands with single use paper towel and then using a clean dry paper towel to turn off the faucet. Chocolate and candy do not meet the definition of potentially hazardous food as per the definition in 410 IAC 7-24-66 hence could be classified as a Non-potentially hazardous food.

5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)

We are eliminating potential contamination hazards by limiting preparation personnel to two qualified employees. In our facility qualified employees are defined as those trained in the Food Handler course Serve Safe and comply with the hand washing rule 410 IAC 7-24-128 when washing their hands immediately before preparing chocolates and candy. When complying with the rule 410 IAC 7-24-128 the following procedure is followed: washing hands with GoJo hand sanitizing soap for 20 seconds in at least 100 degree water, vigorously scrubbing hands and arms for 10 - 15 seconds, cleaning between fingers, under fingernails that are no longer than 1/4 inch, rinse thoroughly under running water, dry hands with single use paper towel and then using a clean dry paper towel to turn off the faucet. GoJo E2 hand washing and sanitizing soap is NSF approved to be used in all USDA- regulated food processing environments, it exceeds the chlorine equivalency standard set by NSF for sanitizer status. It is also effective against common spoilage and food borne illness causing organisms, hence after washing our hands in GoJo soap this qualifies them as sanitized and immediately ready to dip chocolate. In addition all equipment used in the confectionery process are washed in sink one in a detergent solutions at least 110 degree F water, spray rinsed in sink two, immersed in a quaternary ammonium compounds sanitizing solution for at least 30 seconds in sink three, and then air dried in a drying rack. This plan of hand and equipment sanitation is monitored daily by the two Serve Safe certified staff.

6. List how the proposal demonstrates the following (if applicable to the request):

A) How the proposal differs from what is common and usual in similar industry situations:

There are very few in the confections industry who continues in the old ways of hand dipping. It is an art that is being lost but in small shops this practice is continued. Enrobing machines and gloved hands would ruin the integrity of the product being sold at The Nut Shoppe as we are a small hometown low production facility known for unique and quality hand dipped chocolates.

B) How the proposal is unique and not addressed in existing rules or law:

Currently the health code does not specifically address Chocolatiers or Confectioners as a separate professional business. This is a unique and treasured industry. In hand dipping chocolates, it is necessary to feel the texture and temperature of the chocolate to maintain the integrity of the final product. Also candy and confections do not naturally carry biologically potential contaminate organisms, thus using the GoJo E2 hand washing and sanitizing soap these organisms are prevented from being introduced into the final confectionery product.

C) How the proposal does not diminish the protection of public health:

This proposal does not diminish the protection of public health because the Chocolatier's hand is washed/sanitized in GoJo E2 hand washing and sanitizing soap immediately before it is placed in the chocolate and this first coating of chocolate creates a glove like effect on the Chocolatier's hand. This glove of chocolate protects the final consumable product from being directly touched by the Chocolatier's hand. The glove of chocolate is NOT scraped back into the remaining chocolate but removed intact and immediately washed/sanitized with GoJo E2 hand washing and sanitizing soap as specified in rule 410 IAC 7-24-128. In addition the Chocolatiers and other staff will not be allowed to work in our facility when vomiting, fever, or diarrhea are present. The two Chocolatiers doing all the hand dipping also have not been diagnosed with any infectious diseases and both also have received the Hepatitis A Vaccine. The chocolate preparation area has no exposure to food products that could contribute to contamination of any part of the chocolate production process.

D) How the proposal is based on new scientific or technological principle(s):

The use of GoJo E2 hand washing and sanitizing soap has been approved by the USDA as a one-step hand washing and sanitizing foaming soap for the food-processing industry. This soap exceeds the NSF's standard of chlorine equivalency for sanitizer status. GoJo E2 soap is also effective against common spoilage and food borne illness causing organisms.

E) How the implementation of the variance would be practical:

The Nut Shoppe is based on the preservation of the unique methods of hand dipping used by our predecessors in the Confectionery industry. It also aids in keeping the process cost effective for the producer and consumer since The Nut Shoppe is a hometown small business.

7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:

In this organization the provisions of this granted variance will be enacted by ensuring only the trained Food Handlers will be involved in the preparation of the confections. The two personnel who will be doing the hand dipping are the proprietor and one of her family member's who both have a vested interest in the quality and safety of the finished product. By limiting the hand dipping process to these two individuals we are able to ensure the hand washing process is consistent and correctly performed each time. All employees have been informed on the importance of hand washing and basic principles of the food handlers certification.

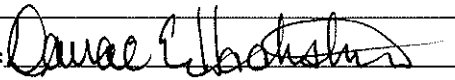
8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)

Elkhart County Health Department

9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.

For Office Use Only

10. Signature of Individual Making Request:



Printed Name, Title: Danae Hochstedler, Owner and Head Chocolatier